

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD HALPERN on behalf of himself and all
others similarly situated,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01226-BJR

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
THE JPML'S RULING ON TRANSFER**

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01226-BJR) - 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

Pursuant to Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiff Richard Halpern and Defendant T-Mobile USA, Inc. (together, “the Parties”), hereby stipulate to stay all proceedings and deadlines in this action until the Judicial Panel on Multidistrict Litigation (“JPML”) rules on the pending motion to transfer under 28 U.S.C. § 1407 (“MDL Petition”). *See In re: T-Mobile Customer Data Sec. Breach Litig.*, MDL No. 3019 (ECF No. 1). In support of this stipulated motion, the Parties state:

Good cause exists for a brief stay as it will conserve judicial and party resources. In a related case, this Court recently granted T-Mobile’s motion to stay proceedings pending the JPML’s ruling on the MDL Petition, finding:

Any delay arising from a stay is likely to be short, and Plaintiffs have not demonstrated that any significant prejudice would result from a short stay. A stay is also likely to conserve judicial resources, as well as the parties’ resources, until the JPML decides whether (and if so, where) to transfer the dozens of similar cases for coordinated or consolidated pretrial proceedings.

Daruwalla v. T-Mobile USA, Inc., No. 2:21-cv-1118-BJR (W.D. Wash. Oct. 29, 2021) (ECF No. 39).¹ The Parties therefore respectfully request that the Court enter a short stay of all proceedings here until the JPML rules on the MDL Petition.

Dated: November 16, 2021

¹ *See also Harper v. T-Mobile US, Inc.*, No. 2:21-cv-1169-BJR (W.D. Wash. Nov. 5, 2021) (ECF No. 26) (granting stay over opposition on same grounds); *Simaan v. T-Mobile USA, Inc.*, No. 2:21-cv-1181-BJR (W.D. Wash. Nov. 5, 2021) (ECF No. 21) (same); *Thang v. T-Mobile US, Inc.*, No. 5:21-cv-6473-BLF (N.D. Cal. Oct. 29, 2021) (ECF No. 42) (same).

1 By: /s/ Steve Y. Koh

2 Steve Y. Koh, WSBA No. 23284
3 Kathleen M. O'Sullivan, WSBA No. 27850
4 Lauren J. Tsuji, WSBA No. 55839

5 **PERKINS COIE LLP**

6 1201 Third Avenue, Suite 4900
7 Seattle, WA 98101-3099
8 Telephone: 206.359.8000
9 Facsimile: 206.359.9000
10 E-Mail: SKoh@perkinscoie.com

11 KOSullivan@perkinscoie.com

12 LTsuji@perkinscoie.com

13 Kristine McAlister Brown (*pro hac vice*)

14 **ALSTON & BIRD LLP**

15 1201 West Peachtree Street
16 Atlanta, GA 30309
17 Telephone: (404) 881-7000
18 Facsimile: (404) 881-7777
19 E-Mail: kristy.brown@alston.com

20 *Attorneys for Defendant T-Mobile USA, Inc.*

By: /s/ Anne-Marie E. Sargent

Stephen P. Connor, WSBA No. 14305
Anne-Marie E. Sargent, WSBA No. 27160
Derik Campos, WSBA No. 47374

CONNOR & SARGENT PLLC

921 Hildebrand Lane NE, Suite 240
Bainbridge Island, WA 98110
Telephone: 206-654-5050
steve@cslawfirm.net
aes@cslawfirm.net
derik@cslawfirm.net

Gary F. Lynch (*pro hac vice* forthcoming)

Nicholas A. Colella (*pro hac vice* forthcoming)

CARLSON LYNCH, LLP

1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
Telephone: 412-322-9243
Facsimile: 412-231-0246
glynch@carlsonlynch.com
ncolella@carlsonlynch.com

Joseph P. Guglielmo (*pro hac vice* forthcoming)

**SCOTT+ SCOTT ATTORNEYS AT LAW
LLP**

The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169
Telephone: 212-223-6444
Facsimile: 212-223-6334
jguglielmo@scott-scott.com

MaryBeth V. Gibson (*pro hac vice* forthcoming)

THE FINLEY FIRM, P.C.

3535 Piedmont Road
Building 14, Suite 230
Atlanta, GA 30305
Telephone: 404-320-9979
Facsimile: 404-320-9978
mgibson@thefinleyfirm.com

1 Arthur M. Murray (*pro hac vice* forthcoming)
2 **MURRAY LAW FIRM**
3 701 Poydras Street
4 New Orleans, LA 70139
5 Telephone: 504-525-8100
6 amurray@murray-lawfirm.com

7 Brian C. Gudmundson (*pro hac vice*
8 forthcoming)
9 **ZIMMERMAN REED LLP**
10 1100 IDS Center
11 80 South 8th Street
12 Minneapolis, MN 55402
13 Telephone: 612-341-0400
14 Facsimile: 612-341-0844
15 brian.gudmundson@zimmreed.com

16 *Attorneys for Plaintiff*

ORDER

IT IS SO ORDERED.

Dated this 17th day of November 2021.

s/Barbara J. Rothstein
Barbara J. Rothstein
U.S. District Court Judge

Presented by:

Steve Y. Koh, WSBA No. 23284
Kathleen M. O'Sullivan, WSBA No. 27850
Lauren J. Tsuji, WSBA No. 55839
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
E-mail: SKoh@perkinscoie.com
KOSullivan@perkinscoie.com
LTsuji@perkinscoie.com

Kristine McAlister Brown (*pro hac vice*)
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, GA 30309
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
E-Mail: kristy.brown@alston.com
Attorneys for Defendant T-Mobile USA, Inc.

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01226-BJR) - 5

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000